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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/290,941	04/13/1999	ISMAIL DALGIC	15886-329	1465
20306	7590	12/02/2003	EXAMINER	
MCDONNELL BOEHNEN HULBERT & BERGHOFF 300 SOUTH WACKER DRIVE SUITE 3200 CHICAGO, IL 60606			ABELSON, RONALD B	
			ART UNIT	PAPER NUMBER
			2666	20

DATE MAILED: 12/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/290,941

Applicant(s)

DALGIC ET AL.

Examiner

Ronald Abelson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-15, 38 and 39 is/are allowed.
- 6) ☒ Claim(s) 1-11, 16-37, and 40-43 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35

U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-11, 16-37, and 40-43 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

Regarding claims 1, 16, 20, 25, 36, 40, the edge device/apparatus is not sufficiently described in the specification and accompanying drawings. Referring to figure 1, is the edge device the (H.323 System 100 or the Virtual Distributed Gatekeeper or neither?

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Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 16 rejected under 35 U.S.C. 103(a) as being unpatentable over Jones (US 6,141,341).

Regarding claim 16, Jones teaches a method and apparatus for an edge device (fig. 2 box 10, fig. 4), having a first H.323 port (fig. 4 box 36) and a memory (fig. 4 box 32). The system processes call state information including a call state for an H.323 call (fig. 3 box 38, on/off-hook, col. 3 lines 62-67).

The system comprises a call-switching device (fig. 4 box 32), for responding to at least one of a registration request, an admission request, and a status request for the edge device (call setup, col. 10 lines 29-34). The examiner associates the applicant's admission request with the reference's call setup.

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Although Jones teaches a memory and processing call state information (on/off hook), the reference does not explicitly state the call state information is stored in the memory.

The examiner takes official notice that given the system contains a memory, it would be obvious to store the call state information (i.e. duration of call that can be computed from the on/off hook information) in the memory. This would improve the system since this provides a means for billing the customer.

Allowable Subject Matter

5. Claims 12-15, 38, and 39 allowed.
6. The following is a statement of reasons for the indication of allowable subject matter.

Regarding claim 1, although Jones teaches a H.323 system including an edge device and a call switching device, the edge device coupled to the call-switching device and receiving from an H.323 node a first admission request, none of the prior art of record teaches or fairly suggests transmitting from the edge device to the call-switching device a second admission request.

Regarding claim 12, none of the prior art of record teaches or fairly suggests a virtual-distributed gatekeeper comprising a first communication channel for coupling the virtual distributed gatekeeper in communication with at least one H.323 device. The

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prior art of record, Kalmanek teaches an edge device and Internet access point between the gatekeeper and the H.323 device (fig. 1).

Regarding claim 17, none of the prior art of record teaches or fairly suggests a modified H.323 gatekeeper located at the edge device. See Kalmanek, the prior art teaches the edge device and gatekeeper at distinct locations. Kalmanek teaches an edge device and Internet access point between the gatekeeper and the H.323 device (fig. 1).

Regarding claims 1 and 20, although Jones teaches a H.323 system including an edge device and a call switching device, the reference does not explicitly state the edge device generates an admission request for the H.323 call and the edge device receives from the call-switching device an admission confirmation.

Regarding claim 25, 36, 38, and 40, although Jones teaches a H.323 system including an edge device and a call switching device, the reference does not explicitly state the edge device transmits to the call-switching device unbeknownst to the H.323 terminal a second request for call-admission control.


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Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Abelson whose telephone number is (703) 306-5622. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Seema Rao can be reached on (703) 308-5463. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9600.


Ronald Abelson
Examiner
Art Unit 2666


MELVIN MARCELO
PRIMARY EXAMINER